

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 186

January 14, 2021

SUMMARY OF BILL: Requires the courts to maintain a list of all persons deemed to be an abusive civil action plaintiff and the period of time any prefiling restrictions are in effect. Requires the court clerk to distribute to the courts of each judicial district a copy of any order imposing prefiling restrictions upon a person found to be an abusive civil action plaintiff.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 29-41-106, if the court finds that a person filing a civil action is an abusive civil action plaintiff, and that any or all civil actions filed by the abusive civil action plaintiff against the abusive civil action defendant that are pending before the court are abusive civil actions, the civil actions shall be dismissed. The court is further authorized to:
 - Tax all costs of any abusive civil action pending in the court against the abusive civil action plaintiff;
 - Award the civil action defendant reasonable attorney fees and all reasonable costs of defending the abusive civil action; and
 - Impose prefiling restrictions upon any civil action the abusive civil action plaintiff attempts to file for a period of not less than 48 months nor more than 72 months.
- Per the language of this legislation, the distribution of orders may be completed electronically; therefore, there will not be a significant increase in expenditures related to postage.
- Any additional workload to the court clerks can be accomplished with existing personnel and will not significantly impact state or local government expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

/jg